

28496. Nestle's Quik. (F.D.C. No. 47377. S. Nos. 11-386/7 T.)

QUANTITY: 1,945 cases, 24 1-lb. cans each; 537 cases, 12 2-lb. 6-oz. cans each, chocolate flavor; and 472 cases, 12 1-lb. cans each, strawberry flavor, at Pittsburgh, Pa.

SHIPPED: 1-7-62 and 2-2-62, from Fulton, N.Y., by Nestle Co., Inc.

LABEL IN PART: (Can) "Nestle's Quik Delicious Chocolate Flavor Fortified with Vitamins C, D₃ and Iron! Mixes Instantly With Milk * * * Ingredients: Sugar, Dutch Processed Cocoa (alkalized); Salt; Lecithin, an emulsifier; Vanillin (artificial) and other flavorings; * * * Prepared by The Nestle Company, Inc., White Plains, N.Y."; (can) "Nestle's Quik Delicious Imitation Strawberry Flavor Fortified With Vitamins C, B₁, and Iron Mixes Instantly With Milk * * * Ingredients: Sugar, Malto-Dextrin, Citric Acid, Salt, Vanillin and other Artificial Flavors, U.S. Certified Color, * * * Prepared by The Nestle Company, Inc., White Plains, N.Y."

LIBELED: 3-12-62, W. Dist. Pa.

CHARGE: 403(a)—when shipped, the label statements which represented and suggested that the articles were adequate and effective (chocolate flavor) to promote healthy teeth and gums, sturdy bones and strong teeth; and healthy blood; and (imitation strawberry flavor) to promote healthy teeth and gums, healthy nerves and skin; and healthy blood; and that it "Keeps you in the pink"; were false and misleading, since the articles were not adequate and effective for such purposes.

DISPOSITION: 4-3-62. Consent—claimed by Nestle Co., Inc., and repacked and relabeled.

MISCELLANEOUS FOODS

28497. Oil of sassafras. (F.D.C. No. 45529. S. No. 68-541 R.)

QUANTITY: 24 lbs., in 1-gal. containers, at El Paso, Tex.

SHIPPED: 3-22-60, from New York, N.Y., by Dodge & Olcott, Inc.

LABEL IN PART: (Container) "Oil Sassafras NF Natural."

RESULTS OF INVESTIGATION: Article was repacked and labeled by the dealer as described above.

LIBELED: 3-28-61, W. Dist. Tex.

CHARGE: 402(a)(2)(C)—when shipped, the article was a food additive, namely, oil of sassafras, which was unsafe within the meaning of 409.

DISPOSITION: On 2-2-62, the claimant, Clint Jones Co., Inc., t/a Duffy's Draft Beverage Co., El Paso, Tex., having contracted to sell the article to Best Sanitary Supply Co., El Paso, Tex., and the court having found that such sale would not be for any use contrary to the provisions of the Act, an order was entered directing that the marshal deliver the article to Best Sanitary Supply Co., and that the libel proceedings be dismissed at the cost of the Government.

28498. Mineral oil. (F.D.C. No. 47156. S. No. 9-876 T.)

QUANTITY: 2 55-gal. drums, 9 1-gal. btls., 12 ½-gal. btls., 40 1-qt. btls., and 35 1-pt. btls., at Rochester, N.Y., in possession of Rochester Drug Cooperative, Inc.

SHIPPED: On an unknown date, from Philadelphia, Pa.

LABEL IN PART: (Btl.) "Extra Heavy Mineral Oil * * * An Intestinal Lubricant * * * Excellent for use as a non-fattening oil in salad dressings * * * Distributed by Rochester Drug Cooperative, Inc. Rochester, N.Y."

RESULTS OF INVESTIGATION: The article in the bottles was repacked by the dealer from bulk drums shipped as described above.

LIBELED: 2-26-62, W. Dist. N.Y.

CHARGE: 402(a)(2)(C)—while held for sale, the article contained a food additive, namely, mineral oil, which was unsafe within the meaning of 409 since it and its use or intended use were not in conformity with a regulation or exemption in effect pursuant to 409.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 7025.

DISPOSITION: 3-27-62. Consent—claimed by Rochester Drug Cooperative, Inc., and relabeled.

28499. Rice-A-Bongo. (F.D.C. No. 46034. S. No. 50-304 R.)

QUANTITY: 194 cases, 12 8½-oz. boxes each, at Denver, Colo. An aluminum foil package was included in each box.

SHIPPED: 5-12-61, from Wichita, Kans., by American Beauty Macaroni Co.

LABEL IN PART: (Box) "Rice-A-Bongo * * * Vitamin-Enriched Macaroni Rings Rice, Macaroni Rings and Chicken Flavored Soup Base. Ingredients * * * Manufactured by the American Beauty Macaroni Co."; (pkg.) "Chicken Flavored Soup Base Net Wt. 1 Oz. Ingredients: * * * Chicken Fat * * * American Beauty Macaroni Co. Kansas City, Kansas."

ACCOMPANYING LABELING: Leaflet entitled "American Beauty Rice-A-Bongo * * * Recipes * * * by the American Beauty Macaroni Company, Kansas City."

LIBELED: 6-28-61, Dist. Colo.

CHARGE: 403(a)—when shipped, the label contained a vignette and statement "Serving Illustration" which were false and misleading, since the serving depicted was not that of the article Rice-A-Bongo; 403(a)—the label statement "Chicken Flavored Soup Base" was misleading as applied to a product which contained chicken fat as the only chicken ingredient; 403(d)—the container was so made, formed, and filled as to be misleading, since the article occupied only about 63 percent of the volume of its container; and 403(j)—the article purported to be and was represented as a food for special dietary use by reason of its vitamin and mineral content and its label failed to bear, as required by regulations, a statement of the proportion of minimum daily requirements for vitamin B₁, riboflavin, niacin or niacinamide and iron, supplied by such food when consumed in a specified quantity during a period of one day.

DISPOSITION: On 7-18-61, American Beauty Macaroni Co., claimant, filed an answer which denied that the article was misbranded. Thereafter the Government filed interrogatories and claimant filed answers and objections thereto. On 2-8-62, claimant having consented, and upon a finding of misbranding under 403(j) and without an adjudication of the charges under 403(a) and (d), the court entered a decree of condemnation and the article was destroyed.

28500. Diet soup concentrate. (F.D.C. No. 47237. S. No. 4-521 T.)

QUANTITY: 20 cases, 24 9-oz. cans each, at Madison Heights, Va.

SHIPPED: 1-22-62, from Augusta, Ga., by Castleberry's Food Co., Inc.